

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,	:	Case No. 3:08-cr-175
	:	
Plaintiff,	:	Judge Thomas M. Rose
	:	
v.	:	
	:	
JEREMY E. LEWIS,	:	
	:	
Defendant.	:	

**ENTRY AND ORDER OVERRULING OBJECTIONS (DOC. 294),
ADOPTING REPORT AND RECOMMENDATIONS (DOC. 292),
AND DENYING DEFENDANT’S MOTION TITLED “RULE 60(d)1
INDEPENDENT ACTION IN EQUITY” (DOC. 291)**

This case is before the Court on Defendant Jeremy E. Lewis’s Motion, titled “Rule 60(d)(1) Independent Action in Equity” (Doc. 291), to set aside this Court’s judgment of August 26, 2011, dismissing Lewis’s Motion to Vacate under 28 U.S.C. § 2255. Magistrate Judge Michael R. Merz recommended that the Motion be denied. (Doc. 292.) Lewis filed Objections (Doc. 294) to the Magistrate Judge’s Report and Recommendations. As the Court does not require any response from the United States of America to rule on the Motion, this matter is ripe for review.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that Lewis’s Objections (Doc. 294) to the Report and Recommendations (Doc. 292) are not well-taken and they are hereby **OVERRULED**. The Court **ADOPTS** the Report

and Recommendations (Doc. 292) in its entirety and **DENIES** Lewis's Motion, titled "Rule 60(d)(1) Independent Action in Equity" (Doc. 291). As reasonable jurists would not disagree with this conclusion, Lewis is denied a certificate of appealability and the Court certifies to the Sixth Circuit that any appeal would be objectively frivolous and therefore should not be permitted to proceed *in forma pauperis*.

DONE and **ORDERED** in Dayton, Ohio, this Thursday, March 8, 2018.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE